UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SIXTH COMMITTEE
12th meeting
held on
Friday, 14 October 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 12th MEETING

Chairman: Mr. CHATURVEDI (India)

CONTENTS

AGENDA ITEM 140: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

AGENDA ITEM 142: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.6/49/SR.12
25 October 1994

ORIGINAL: ENGLISH

94-81665 (E)

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 140: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/49/33 and A/C.6/49/L.3)

1. Ms. SEMGURUKA (United Republic of Tanzania) said that the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, in which her country participated as an observer, had been rendered even more important by recent world events and the consequent adoption by the Security Council of measures to maintain international peace and security. Those events placed increasing strain on the Organization, and Tanzania therefore welcomed the conclusion of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies (A/49/33, para. 89). In the African region, the Organization of African Unity (OAU) would greatly benefit from such enhanced cooperation in its conflict-resolution efforts. Tanzania believed that the draft declaration provided the necessary principles to guide such cooperation and hoped that the Committee would adopt the declaration during its 1994 session.

2. With regard to the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII (A/49/33, para. 52), Tanzania believed that, without derogating from the Security Council's primary responsibility to impose sanctions where international peace and security were threatened, a mechanism to assist third countries adversely affected by such sanctions was necessary. To that end, a brief analysis should be made of the expected impact of sanctions in order to determine which countries would be adversely affected. Tanzania supported the establishment of a trust fund for that purpose and hoped that the Special Committee would be able to reach specific recommendations on the issue during its 1995 session.

3. Recent years had seen a large increase in the membership of the United Nations, necessitating measures to make the Organization more representative, including an expansion of the membership of the Security Council to reflect regional groupings as well as an increase of its permanent membership.

4. Tanzania welcomed the progress in the elaboration of the proposed United Nations Model Rules for the Conciliation of Disputes between States (A/49/33, para. 105) and hoped that further deliberations would continue on that topic during the Special Committee's 1995 session. In addition, it hoped that the Committee would continue its consideration of the proposal by Sierra Leone on the establishment of a dispute settlement service and of the proposal by the Russian Federation on new issues for consideration in the Special Committee, in particular the increase of its membership.

5. Mr. LAWSON (Sierra Leone) said, with reference to the maintenance of international peace and security, that the issue of assistance to third States

affected by the application of sanctions under Chapter VII of the Charter was one of great urgency. States had a collective responsibility for compliance with a sanctions regime imposed under the Charter, but the willingness of some Member States to discharge their obligations might be undermined if that regime placed their own economic well-being in jeopardy. Working paper A/AC.182/L.79 (A/49/33, para. 52) was therefore particularly timely. Given the scope of sanctions measures, compensation that might be awarded to Member States could be substantial; however, that in itself did not negate the validity of a permanent mechanism to deal with the problem.

6. In Sierra Leone's understanding, States did not expect to be compensated in full for any economic losses due to the imposition of sanctions. Attention should be given, however, to those losses incurred over an agreed threshold, above which a State's burden might be deemed to be intolerable and injurious to its continued good will. Implicit in the right of Member States under Article 50 to consult the Security Council was an entitlement to remedies for their special circumstances. The working paper offered a useful framework for further work on the issue. In particular, his delegation believed that the establishment of a trust fund did not necessarily exclude complementary action by the Bretton Woods institutions, since a joint approach could have encouraging prospects. Finally, he urged the Security Council to take the lead in addressing the issue, in line with its primary responsibility for the maintenance of international peace and security under the Charter.

7. With regard to the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security, his delegation welcomed the initiative by the Russian Federation, since the new challenges facing the Organization in the post-cold-war era necessitated a more innovative and bolder approach to the problem of conflict resolution.

8. While the functioning of such arrangements and agencies in the area of preventive diplomacy, peace-keeping and peace-building must by and large be subject to the Charter, it was also necessary to be realistic. Prompt action by a regional arrangement or agency could be beneficial as a preventive measure prior to the engagement of the United Nations, as had been demonstrated by the deployment of the monitoring group of the Economic Community of West African States (ECOMOG) in Liberia. In response to concerns that such action might encourage intervention at variance with the purposes and principles of the Charter, he pointed out that the safeguards under Article 54 of the Charter remained sufficient. Sierra Leone did not believe that strengthening the role of regional arrangements would in any way detract from the Security Council's primary responsibility for the maintenance of international peace and security; consequently, it hoped that the draft declaration would be adopted by the General Assembly as early as possible.

9. With regard to the peaceful settlement of disputes, his delegation welcomed the progress made by the Special Committee on the proposed United Nations Model Rules for the Conciliation of Disputes between States, and it looked forward to further progress at the Special Committee's 1995 session.

10. Sierra Leone was encouraged by the favourable response from the Sixth Committee to its proposal on the establishment of a Dispute Settlement Service (A/49/33, para. 109). The proposal was prepared in response to concerns that the Organization's current tendency to deal primarily with the consequences of disputes was costly and unsustainable. Instead, disputes should be forestalled by early action. Sierra Leone believed that the future approach to dispute settlement should draw on the willingness of Member States to resolve their differences in the least costly manner, by using the good offices of a third party. As the Organization approached its fiftieth anniversary, its accumulated experience and talent should be put to use in bolder, more visionary ways. Sierra Leone therefore looked forward to extensive discussions of its proposal at the Special Committee's 1995 session.

11. The valuable work done by the Special Committee in the past demonstrated its continuing relevance to the work of the Organization, and his delegation therefore noted with interest the working paper submitted by the Russian Federation. It believed, however, that the Special Committee should also play a role in the current discussions relating to the Security Council and, in particular, it supported Poland's proposal on the deletion of the so-called "enemy-State" clauses from the Charter (A/C.6/49/L.3). In addition, it considered that the increase in the membership of the Organization should be reflected in a corresponding enlargement of the Special Committee, which would further enrich its work.

12. Mr. NORDIN (Malaysia) said that any effort to strengthen the Organization must take due cognizance of the changes in the world situation since the Charter had been originally devised. With regard to the reform of the Security Council, Malaysia believed that the aim should be not so much to enlarge the permanent membership as to increase participation in general, and that consideration of the veto, a relic of the power politics of the past, should be included in any reforms.

13. The forthcoming fiftieth anniversary of the United Nations presented a timely occasion for such reforms, and Malaysia would continue to play an active role in the Open-ended Working Group on the question of equitable representation on and increase in the membership of the Security Council and related matters. He believed that the Committee could contribute to the work of the Working Group, in particular, by considering how the proposed changes could be effected. Malaysia also agreed with other delegations that the provisions of Article 107 and parts of Article 53 had become obsolete.

14. Turning to the question of assistance to third States affected by the application of sanctions, given the magnitude of such adverse economic effects, his delegation welcomed the proposal to establish a mechanism under Article 29. In that regard, the Security Council could hold consultations with States likely to be affected and tailor the sanctions to take into account their concerns, without prejudicing its right to impose, monitor or review those sanctions. That procedure would ensure fairness and reduce the possible need for subsequent compensation.

15. in addition, Malaysia supported the establishment of a trust fund, which should, however, be placed under the authority of the General Assembly. Such an arrangement would reinforce the principle in Article 49, providing that Members should join in affording mutual assistance in carrying out Security Council-mandated measures, since the fund would be supported by Members' contributions.

16. Malaysia welcomed the current version of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements and agencies, which took into account some concerns his delegation had raised in 1993 and emphasized the legitimate role of such arrangements in fact-finding, preventive diplomacy, peace-keeping and post-conflict peace-building measures. In addition, his delegation shared the view that a practical handbook should be prepared on the issue and a seminar conducted in conjunction with the United Nations Congress on Public International Law in 1995.

17. Conciliation played an important role in the peaceful settlement of disputes. It would not only decrease the Security Council's workload but also serve to screen cases for the International Court of Justice. Consequently, the proposed United Nations Model Rules provided a useful framework which might also be of value to regional organizations. Since the world population had quadrupled since the founding of the United Nations and the ratio of members of the Security Council to Member States was 1:37, reform of the Council was therefore a matter of urgency.

18. Mr. LARRAIN (Chile) said that the end of an era of confrontation had conferred a changed role and a new importance on the Special Committee. One of the most important topics dealt with by the Committee at its last session had been the question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter. The growing number of instances in which the Security Council had had to apply sanctions had brought with it an increase in the number of States affected. The solidarity implicit in the enforcement of sanctions called for some form of compensatory measures on the part of the Organization and the international community. Such an important issue must not be left to individual, voluntary responses, which, although sometimes substantial, did not solve a problem that must be addressed more systematically, having regard to the wide range of adverse effects that sanctions had on various States.

19. That response should not be merely financial, but should also include trade facilities, such as access to special credits. It went without saying that the Security Council's fulfilment of its prime responsibility under the Charter must not be affected or limited. However, the Security Council could not remain totally indifferent to the effects produced by sanctions. While it would be unacceptable for a State to invoke the adverse effects of sanctions as a reason for not complying with them, it would be equally unacceptable for the Security Council or the international community entirely to overlook the consequences of sanctions. Efforts must first be made to ensure that, without reducing the effectiveness of sanctions for the State on which they were imposed, their adverse effects on third States were reduced to a minimum. That could lead to a much higher level of compliance with sanctions, making them more effective and

reducing the period of time during which they had to be imposed. The Security Council's sanctions committees could play an important role in that regard, as channels through which affected States could voice their concerns, without prejudice to the establishment of other mechanisms. His delegation awaited with interest the report on the question to be submitted by the Secretary-General before the Special Committee's next session.

20. With regard to the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security, he said that regional agreements were covered by Chapters VI and VIII of the Charter; what was being sought was a much-needed improvement in cooperation between the United Nations and those organizations. The practical effects of the declaration would depend partly on the way in which, in the framework of their respective constitutive instruments, the regional arrangements would undertake fuller initiatives in the field of dispute settlement, and partly on the determination of the Security Council to have recourse, wherever possible, to the regional bodies under Article 33 of the Charter. While the draft declaration was basically an acknowledgement of existing rules, codified and systematized in order to be proclaimed by the General Assembly, it might constitute an important tool, particularly at a time when the United Nations was increasingly called upon to intervene in international crises. In that regard, the regional organizations could do much to make the task of the United Nations less burdensome, a process that would result in the emergence of a truly integrated international system.

21. Another positive feature of the declaration was the way in which it established cooperation between the parties, rather than domination by one party, as the basis for their relations. No attempt was made to replace the universal by the regional or vice versa, but simply to establish a system of cooperation between legitimate international bodies.

22. Substantial progress had also been made on the proposed United Nations Model Rules for the Conciliation of Disputes between States (A/49/33, para. 105). While the Model Rules adhered to the traditional conciliation mechanism, their major contribution was to organize existing rules so as to facilitate recourse thereto in whole or in part by the parties, with the possibility of amending them. It was to be hoped that that work would be finalized at the Special Committee's next session.

23. With regard to new subjects proposed for consideration by the Committee, Sierra Leone's proposal concerning the establishment of a Dispute Settlement Service offering or responding with its services early in disputes was worthy of study. His delegation hoped that the future work of the Special Committee would continue to justify its establishment as a body devoted to the improvement and strengthening of the Organization.

24. Ms. SHAHEN (Libyan Arab Jamahiriya), referring to the views contained in paragraphs 41 and 42 of document A/49/33 concerning the revised proposal (A/AC.182/1993/CRP.1) submitted by the Libyan Arab Jamahiriyah, said that in view of the changes that had taken place in the international sphere, the

enhancement of the effectiveness of the United Nations required striking a balance in the Charter among the Organization's different bodies and agencies, and especially within the Security Council.

25. At a time when the United Nations was engaged in reform and restructuring in the economic and social fields, it was reasonable that such reforms should also include the Security Council. The establishment of the Open-ended Working Group to examine the question of an increase in the membership of the Security Council and related matters did not mean that the participation of the Special Committee in that domain was not necessary, nor did such participation constitute duplication with respect to the Open-ended Working Group.

26. Such an increase must be accompanied by a review of the texts governing the working methods of the Security Council, and in particular the veto, so as to ensure that the Council functioned in accordance with the purposes and principles set forth in the Charter. The fact that the veto had not been used in recent years did not make it unnecessary to examine the question of its abolition or the limitation of its use. Her delegation wished to stress the need for the Special Committee to take up in earnest, at its next session, the discussion of the proposal submitted by the Libyan Arab Jamahiriyah.

27. Mr. ROSENSTOCK (United States of America) said that the Special Committee had had another productive year. Those who recalled its early sterile years would have particular cause to welcome that productiveness. The Special Committee had become productive when delegations such as that of the Philippines had turned it from confrontation to cooperation and had begun the search for common ground. Suggestions that attention should be focused on Article 109, or that the whole system should in some other way be rearranged or destabilized, should be resisted, lest a return should be seen to those days of confrontation and sterility.

28. Many of the positive developments cited by the Secretary-General in the document "An Agenda for Peace" (A/47/277-S/24111) were the product of the work of the Special Committee. At its current session the Committee had produced timely and significant work on the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. As the demands placed on the United Nations grew and the system became increasingly burdened, the need to make use of regional and subregional organizations became greater. Examples of such cooperation now existed in Africa, the Caribbean, Asia and Eastern Europe.

29. The draft declaration was firmly grounded in the Charter, and therein lay its strength. It encouraged States to be more active in contributing collectively to the resolution of local disputes, and encouraged the Security Council to utilize such arrangements. Such a declaration would have been unlikely a decade previously, but was singularly timely in 1994. When the time and circumstances were propitious, the Special Committee could make made a valuable contribution to the work of the Organization.

30. The Special Committee had also made progress towards finalizing the proposed United Nations Model Rules for the Conciliation of Disputes between States. There should be every reason to expect it to complete its work on that topic at the 1995 session. The Committee also had before it the Sierra Leone proposal on dispute settlement. His delegation looked forward to an in-depth consideration of that item by the Special Committee at its next session.

31. Assistance to third States affected by the application of sanctions was a complex subject, on which the discussions in the Committee and its working group had shed some light. So far, however, only the surface had been scratched. Solution of the existing problems was not made easier by attempts to make Article 50 say more than it actually did. The United States had provided assistance in some cases, and in others assistance had been provided by the international financial institutions. His delegation was not convinced that a trust fund would be an effective mechanism, and it was concerned that the establishment of such a fund could interfere with existing cooperation. With regard to the use of trade instruments, each situation must be considered on its own terms. His delegation was not convinced that general principles or practices could be evolved in that area. It joined others in endorsing the request for a report from the Secretary-General on that question, in the hope that it might give the Committee some help in the search for common ground.

32. Poland's proposal concerning Articles 53 and 107 (A/C.6/49/L.3) was a challenging and noble gesture, and one could not but agree with its substance. His delegation wholeheartedly endorsed the suggestion that the matter should be referred to the Special Committee. However, it was somewhat surprised to see a separate draft resolution circulated on the subject. It would seem more appropriate to propose some suitable paragraphs for inclusion in the resolution that provided the mandate for the Special Committee. His delegation also wondered whether it was entirely appropriate to try to fix the date for completion of work on that matter before the Special Committee had even begun to consider it. It was probably not a good idea at the present stage to include it as a separate item on the provisional agenda of the General Assembly's fiftieth session. It might not be wise to decide to establish a separate item for Articles 53 and 107 until a clearer idea had been gained of the likely situation with regard, for example, to Articles 23 and 27. Charter amendment was a complex process requiring ratification by over 120 Governments. It might be best to ascertain whether there were more rational contexts for handling the matter, rather than deciding now to have an item limited to Articles 53 and 107 on the agenda for the next session. Much would depend on progress made between the end of the current session and the beginning of the next.

33. Mr. MOTSYK (Ukraine) said that in the general debate of the forty-ninth session of the General Assembly, the Minister for Foreign Affairs of Ukraine had stressed the need for a comprehensive examination of the issue of implementation of economic sanctions, and had called for the creation of machinery for the implementation of Article 50 of the Charter, to protect the economic interests of third countries suffering losses as a result of strict implementation of sanctions. Ukraine had already lost more than US$ 4 billion as a result of the implementation of sanctions against the Federal Republic of Yugoslavia, and

international structures offered no assistance to it in overcoming those economic difficulties. Obviously, collective action to implement coercive measures could not be carried out on such an unfair basis.

34. The question of implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions had now been before the Special Committee for three consecutive years. It was a question of extreme importance to a large group of States, which still cherished the hope that due account could be taken of their legitimate interests. Yet in those three years no progress had been made in the implementation of the provisions of the Charter in that regard. In his delegation's view, that deadlock was attributable to the fact that some States lacked the political will to share the burden borne by third States as a result of the implementation of the Security Council's sanctions. Article 49 of the Charter required the Members of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council. In practice, a decision to impose sanctions taken by the Security Council affected all those States which had maintained broad economic relations with the State against which the sanctions were applied. Yet the language of Article 49 of the Charter did not appear to apply to third States. Nor did Article 50 of the Charter provide a solution, in the absence of a mechanism for its implementation.

35. Articles 49 and 50 formed an integral part of Chapter VII of the Charter; and all the provisions contained in that Chapter should be implemented concurrently and to the same extent, as components of the comprehensive mechanism for maintenance of international peace and security contained therein. It was thus necessary to create a permanent mechanism to provide assistance to third States, since treatment of the problem on a case-by-case basis had proven unsatisfactory. The whole question should be considered as a matter of priority at the next session of the Special Committee. His delegation hoped that the relevant report of the Secretary-General would take into account the previous report (A/48/573-S/26705), and would analyse in greater depth the proposals made by delegations during the 1994 session of the Special Committee with a view to breaking the deadlock with regard to provision of assistance to third States. Perhaps, in the light of the work being done to change some provisions of the Charter, Article 50 should also be reviewed, with a view to reflecting therein the right of third States to some compensation for the losses they incurred.

36. With regard to the relationship between the United Nations and regional arrangements or agencies in the maintenance of international peace and security, a clear and detailed definition of the responsibilities of the United Nations and of the regional organizations respectively would contribute to the effectiveness of the collective security system established in Chapter VIII of the Charter. Cooperation between the United Nations and the regional organizations should be guided by certain basic principles and should proceed from the understanding that the Security Council had the primary responsibility for the maintenance of international peace and security. Thus, all regional efforts must be in strict conformity with Chapter VIII of the Charter. Moreover, if a need arose for regional action, that action must be consistent with the competence of a particular arrangement or agency.

37. Ukraine shared the view of many Member States that the time had come to delete the "enemy-States" clauses from the Charter of the United Nations. It thus welcomed Poland's recent comprehensive proposal.

38. During the last session of the Special Committee, many delegations had suggested that the Committee should become open-ended. Allowing all delegations to participate in the work of the Committee on an equal footing would provide an opportunity to utilize the creative potential of the Member States to the full. His delegation fully supported those suggestions and considered that it would be possible to change the composition of the Committee in the very near future.

39. Mr. PANTIRU (Republic of Moldova), referring to the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/49/33, para. 89), said that it reflected the need for both the United Nations and regional organizations to play a greater role in the maintenance of international peace and security, particularly through preventive diplomacy. The time had come to revitalize Chapter VII of the Charter by studying practical ways and means of encouraging resort to regional organizations and cooperation between them and the United Nations in the prevention and settlement of regional conflicts. However, it should be borne in mind that if a need for appropriate regional action arose, such action should be consistent with the competence of a particular arrangement or agency, as well as with the relevant provisions of the Charter, particularly Chapters VII and VIII.

40. Turning to working paper A/AC.182/L.79, on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/49/33, para. 52), of which his delegation was a sponsor, he supported the establishment of an adequate mechanism, such as a compensation fund, in order to ensure an appropriate response to the legitimate requests submitted by States in that category. His delegation also welcomed the recommendation contained in paragraph 81 of document A/49/33 that the Secretary-General should be invited to submit, before the next session of the Special Committee, a report on the question of the implementation of the provisions of the Charter, including Article 50 related to that issue.

41. His delegation shared the view that the draft articles entitled "United Nations Model Rules for the Conciliation of Disputes between States" (A/49/33, para. 195) represented a positive contribution to the development of mechanisms for the prevention and peaceful settlement of disputes.

42. Lastly, his delegation fully supported the proposal contained in document A/C.6/49/L.3.

43. Mr. CHIMIMBA (Malawi) welcomed the completion by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security and hoped that it would be adopted by the General Assembly at the current session. His delegation also noted with

satisfaction that substantial progress had been made on the proposed United Nations Model Rules for the Conciliation of Disputes between States and urged the Special Committee to give priority to that item at its next session so that the Assembly would be in a position to adopt the proposed Model Rules at its fiftieth session.

44. The starting-point for the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter must be Article 50 of the Charter. In order for the provisions of that Article to be applicable, the following conditions must be met: (a) preventive or enforcement measures must have been taken by the Security Council against a particular State. Articles 39 to 49 of the Charter were therefore pertinent; (b) a third State, whether or not a Member of the United Nations, must be affected by such measures; and (c) that State must be confronted with special economic problems arising from the carrying out of those measures.

45. Since the issue under consideration involved special economic problems, it seemed logical that a special mechanism, such as a trust fund, should be established to assist the affected countries. Whether the Security Council or the international financial institutions should be responsible for the administration of such a fund was a minor matter.

46. Furthermore, Article 50 also conferred on the third State concerned the right to consult the Council with regard to a solution of the special economic problems it faced. While that right was not affected by the existence or non-existence of a mechanism for consultations, the Security Council was not barred from establishing such a mechanism, which would also be in conformity with Article 29 of the Charter. Such a mechanism must deal with the issues on a case-by-case basis, since each State would be affected differently.

47. Of course, in some situations it might be impossible to distinguish between special economic problems arising from the implementation of sanctions and the overall economic situation of a particular country. However, the burden should be on the affected State to show how and to what extent it was affected by Security Council measures.

48. While Articles 39 to 49 were interlinked, Article 50 appeared to stand on its own. Therefore, it should not be interpreted in such a way as to affect the sanctions and enforcement regime under the Charter or tie the hands of the Security Council, nor should it be used by States as a pretext for avoiding their obligations.

49. Mrs. KUPCHYNA (Belarus) welcomed the completion by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security, which gave practical content to the provisions of Chapter VII of the Charter of the United Nations and created a useful legal framework for the involvement of regional organizations in the maintenance of international peace and security. Her delegation endorsed paragraph 2 of the

draft declaration relating to the important contribution which regional arrangements or agencies could make with regard to the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building. It was important for the efforts of regional organizations to be consistent with their competence and with the provisions of the Charter, especially in view of the primary responsibility which the Charter conferred on the Security Council for the maintenance of international peace and security. Her delegation hoped that the draft declaration would be adopted by consensus at the current session.

50. Turning to working paper A/AC.182/L.79 on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII, she said that a set of measures should undoubtedly be worked out to guard third States against the special economic problems which they might face as a result of preventive or enforcement action taken by the Security Council. Such measures could include the establishment of a permanent mechanism. In the light of the growth in the number of third States adversely affected by the implementation of sanctions, addressing the issue on a case-by-case basis would hardly yield the necessary results. Nevertheless, her delegation firmly believed that efforts to minimize the negative impact of sanctions on third States should not impair the effectiveness of measures taken by the Security Council.

51. Belarus supported the recommendations contained in paragraph 81 of document A/49/33 and looked forward to a report by the Secretary-General on the question of the implementation of the relevant provisions of the Charter, including Article 50. Her delegation also urged the Special Committee to consider the item as a matter of priority so that a generally acceptable solution could be found.

52. Her delegation noted with satisfaction the progress made by the Special Committee on the proposed United Nations Model Rules for the Conciliation of Disputes between States and hoped that the Committee would be able to complete its work on the proposed Model Rules at its next session.

53. Turning to draft resolution A/C.6/49/L.3, she said that her country, a founding Member of the United Nations which had lost one fourth of its citizens in the fight to deliver the world from fascism, believed that an appropriate way to commemorate the fiftieth anniversary of the Organization would be to delete from its Charter the obsolete references to "enemy States". The Special Committee was the appropriate forum for consideration of that question. Belarus supported the draft resolution and hoped that it would be adopted unanimously by the General Assembly.

54. Mr. OBEIDAT (Jordan), commenting on working paper A/AC.182/L.79, said that all Member States were under an obligation to respect the resolutions regarding economic sanctions adopted by the Security Council under Chapter VII, regardless of the identity of the State against which such action was taken. However, the increasing use of sanctions meant that a number of countries, in particular Jordan, were experiencing major economic difficulties as a result of their

compliance with that obligation. Just as countries enjoyed the benefits of compliance with Security Council resolutions in terms of the preservation of international peace and security, so also they should join in affording mutual assistance to cushion its adverse impact, in accordance with the provisions of Articles 49 and 50 of the Charter. Those Articles needed to be underpinned by basic criteria for addressing such undesirable consequences by means of specific machinery involving not only bilateral but also regional and international assistance. Powerful States should be willing and international financial institutions able to provide such assistance.

55. Jordan felt sure that the working paper contained in paragraph 52 of document A/49/33, of which it was a sponsor, provided a sound basis for discussion and for agreement on a satisfactory solution to the problem of the adverse impact of sanctions inasmuch as it set forth a variety of different proposals. Changing world circumstances, the growing membership of the United Nations and the new concept of joint action by the different organs of the United Nations system would have to be reflected in the functioning of the Security Council, in its composition and in the way it addressed the new concept of international security, which took account of economic and developmental dimensions and world-wide interdependence. The Committee's draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security and the Secretary-General's "Agenda for Peace" (A/48/573-S/26705) were two important steps in that direction.

56. Mr. MABILANGAN (Philippines) welcomed the completion by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. That issue was becoming increasingly important at a time when regional organizations were called upon to play a decisive role in regional conflicts. As a member of the Association of Southeast Asian Nations (ASEAN), his country had noted the beneficial role of regional arrangements in the promotion of regional peace and security. The Association's internal structure and relations with other organizations facilitated strong cooperation between it and the United Nations in conflict prevention.

57. With regard to the working paper on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII, his delegation fully recognized the importance of that issue both for the affected States and for the international community as a whole. The negative effects on third States of the implementation of sanctions and the need to find ways of assisting them could not be denied; his delegation looked forward to fruitful discussions on the subject in the Special Committee and the Security Council.

58. The working paper entitled "Strengthening of the role of the Organization and enhancement of its efficiency" provided a good basis for future work in the area of reform of the Security Council. His delegation believed that in order to enhance the Council's effectiveness and accountability, the imbalance in its

composition must be redressed and the participation of Member States and organizations of the United Nations system in its decision-making increased. That would entail both enlarging the membership of the Council and reforming its methods and procedures.

59. His delegation had welcomed the discussion of the draft articles entitled "United Nations Model Rules for the Conciliation of Disputes between States" and hoped that the Special Committee would be able to finalize the proposed Model Rules at its next session.

60. His delegation supported the proposal entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes". A procedure automatically offering voluntary services at an early stage in a dispute with a view to preventing its exacerbation should be established.

61. Mrs. BWOMEZI (Uganda) said that the need for restructuring in the light of the new challenges facing the Organization was shown by the ongoing debate over the expansion of the membership of the Security Council. Her country believed that reform of the Council should be designed to achieve greater transparency in its methods of work and greater democratization in its decision-making and to ensure that its composition better reflected the increased membership of the United Nations. Although the criteria for such an expansion were being discussed in other forums, it was within the Special Committee's competence to analyse the legal aspects of the debate.

62. Her delegation welcomed the completion by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. Uganda believed strongly that mechanisms existed through which the Security Council could make positive use of the natural advantages of regional organizations without infringing on their autonomy. The cooperation between the United Nations and the Organization of African Unity (OAU) in various African countries under the recently established mechanism for conflict prevention, management and resolution was an encouraging example.

63. Her country was a sponsor of working paper A/AC.182/L.79, which sought to establish an automatic mechanism to provide financial assistance to third States, particularly developing countries, which suffered unjustifiably when sanctions were imposed on other States. Unfortunately, that document, which had been sponsored by 21 Member States, had been rejected outright by some delegations; that had impeded further discussion. However, her country would continue to support the establishment of such a mechanism.

64. Lastly, her delegation joined with others in endorsing an expansion of the membership of the Special Committee.

65. Mr. MARTENS (Germany) expressed his delegation's hope that the Special Committee would complete its work on the draft United Nations Model Rules for the Conciliation of Disputes between States at its next session. The adoption of clear and concise model rules for the conciliation of disputes would be

highly beneficial, although care should be taken to avoid duplication of existing dispute settlement conventions. He was pleased that the Special Committee had also begun considering the proposal submitted by Sierra Leone with regard to establishing a service for settling disputes at an early stage.

66. His delegation shared the view that Articles 53 and 107 of the Charter, containing references to so-called enemy States, were obsolete and no longer applicable. He also emphasized his delegation's appreciation of the Polish gesture of reconciliation contained in draft resolution A/C.6/49/L.3.

67. Ms. BARRETT (United Kingdom) said that the excellent result of the Special Committee's work on a draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security illustrated the value of the Committee's addressing topics that were specific yet likely to command general acceptance. The initiative as it now stood had her delegation's wholehearted support, and it was to be hoped that the General Assembly would adopt the declaration at the current session. The suggestion that the whole subject of regional cooperation with the United Nations might usefully be explored in the course of the 1995 Congress on Public International Law was also worthy of support. On the question of Article 50 of the Charter, her delegation continued to believe that the answer to the problems of States affected by sanctions lay in case-by-case consideration by various bodies, including the international financial institutions.

68. Another matter to which the Committee had not yet devoted sufficient time was the revised text proposed by Guatemala for the United Nations Model Rules for the Conciliation of Disputes between States. Her delegation looked forward to the summary of the discussion during the Special Committee's next session, of the revised version of the proposal. The Committee should also give fuller consideration to the proposal submitted by Sierra Leone entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes".

69. Her delegation had noted with interest the proposal by the representative of Poland that the question of the so-called "enemy-States" clauses should be referred to the Special Committee. Those clauses were recognized as obsolete and her delegation had stated its support for their deletion. But that question had been raised by a number of delegations in the Open-ended Working Group on enlargement and equitable representation on the Security Council, and it was in that context that her delegation had considered that the clauses might in due course be deleted. Judging from the conclusions of the Working Group, it was difficult to believe that detailed or separate consideration of the matter was warranted. If, however, the proposal to refer the matter to the Special Committee attracted consensus, her delegation would be prepared to join that consensus. It could not, however, support any proposal that the matter should be treated as an urgent or priority item.

70. On the question of the membership of the Special Committee, in the general debate during the Committee's 1994 session some delegations had expressed the

view that the Committee should be enlarged, having regard to the significant increase in the membership of the United Nations, the importance of the subjects under consideration and the actual extent of participation in the Committee. Others, however, had stressed that committees with limited membership had had, and might still have, a role to play in the United Nations system, since certain delegations belonging to the fixed membership had built up a tradition of participation in the Committee which gave rise to common collective experience. That organizational question was one which might be further discussed by the Committee at its next session.

71. Mr. CARDENAS (Argentina) noted with satisfaction the growing interest of Member States and international organizations in participating as observers in the work of the Special Committee.

72. His delegation welcomed the completion by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security. There could be no doubt that enhanced cooperation between United Nations and regional organizations and a better definition of their respective areas of competence would increase the effectiveness of the system of collective security embodied in the Charter of the United Nations.

73. His delegation welcomed the progress made by the Special Committee on the proposed United Nations Model Rules for the Conciliation of Disputes between States and hoped that the proposed Model Rules could be completed at the Committee's next session.

74. His delegation had paid close attention to the Special Committee's discussion of the adverse effects of Security Council sanctions on third States. While his country believed that the issue deserved sustained attention from the international community, it continued to question the feasibility of establishing new mechanisms or institutions to resolve the issue which could perhaps be handled more effectively by strengthening cooperation with the existing economic and financial institutions within and outside the United Nations system.

75. His delegation firmly supported Poland's proposal that the Special Committee should consider the deletion of the references to "enemy States" contained in Articles 53 and 107 of the Charter. As the United Nations approached its fiftieth anniversary, that proposal appeared to be particularly timely.

76. Mr. BELLOUKI (Morocco) said that his delegation felt it was important to faithfully implement the provisions of the Charter in the framework of a new interpretation of those provisions, so as to ensure a more active and engaged role for the Organization in the administration of world affairs.

77. His delegation also underlined the importance of the provisions relating to third countries affected by the application of sanctions under Chapter VII, and

hoped that the Secretary-General's report to the Special Committee would impart a new dynamic to the discussion of that topic.

78. Moreover, it supported efforts to reach a consensus on the role of regional organizations in the maintenance of international peace and security, and hoped that the General Assembly would adopt the draft declaration on that question.

79. His delegation hoped that the United Nations Model Rules for the Conciliation of Disputes between States would be able to perfect the mechanism of peaceful dispute resolution and to meet the needs of States for which flexible conciliation was the best means of dispute resolution. Sierra Leone's proposal regarding the creation of a mechanism for the resolution of disputes at an early stage was a reasonable basis for discussion of the topic at the Special Committee's next meeting.

80. Mr. RAI (Papua New Guinea) said that his delegation concurred with previous speakers on other aspects of the Special Committee's report, but wished to highlight what the report had said regarding the relationship between the United Nations and regional arrangements or organizations in the maintenance of peace and security, to which his Government attached great importance. Papua New Guinea urged the international community to seriously consider regional arrangements as the best possible mechanisms for maintaining national and regional peace and security. It had promoted such a regional peace-keeping force for the South Pacific island countries, aimed at pooling resources for regional dispute resolution and natural-disaster relief, and hoped that other regions would consider the usefulness of such a concept for themselves. His delegation therefore supported the review of Chapter VII of the Charter, and also supported the deletion of references to enemy States contained therein.

81. Mr. LAVALLE (Guatemala) reassured the Sixth Committee that during the coming session of the Special Committee, his country would promote the final adoption of the United Nations Model Rules for Conciliation of Disputes between States.

82. He concurred with the representative of Austria that greater emphasis should be placed on the concept of acceptability in articles 7 and 8 of the Model Rules. Furthermore, individual elements of the Model Rules could be changed without adversely affecting other elements, which would facilitate the process of reaching a consensus among States regarding the ultimate content of the Model Rules.

83. The process of conciliation need not be based on international law; indeed, excessive reliance on legalistic mechanisms, especially in the early stages of conciliation, would be incompatible with the essential meaning of conciliation. Further, States involved in conciliation processes were free to adopt provisions which had nothing to do with international law that could nevertheless lead to successful outcomes. The role played by international law in the conciliation process should therefore be the subject of careful consideration.

84. His delegation shared the view that progress in the resolution of disputes between States depended not on new technical norms, but on stimulation of the political will of countries to seek peaceful means of conciliation. No dispute could be peacefully resolved without good will between the parties.

AGENDA ITEM 142: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM (A/49/257 and A/49/257/Add.1 and 2)

85. Mr. CORELL (Under-Secretary-General, the Legal Counsel) introduced the Secretary-General's report on measures to eliminate international terrorism, which contained the views of 20 States on practical measures to eliminate acts of terrorism, on ways and means of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism, and on ways to consider that question within the Sixth Committee. The report also contained an annex indicating the state, as at 20 June 1994, signatures of, and ratifications of, accessions to or successions to, of international conventions relating to various aspects of international terrorism. He noted that, in addition, India had acceded to the International Convention against the Taking of Hostages on 7 September 1994.

The meeting rose at 1.20 p.m.